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January 10, 2017

BY ECF

The Honorable Katherine B. Forrest

United States District Court

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Room 2230

New York, New York 10007

Re: *Aquazzura Italia SRL v. Ivanka Trump et al.*, No. 16-cv-4782(KBF)  
(Our Ref.: AQUZ USA TC-1602071)

Dear Judge Forrest:

We represent Aquazzura Italia SRL in this action. We write pursuant to the Order dated December 5, 2016 to provide the Court with an update on the status of the pending application for a design patent covering the Wild Thing shoe design.

The United States Patent and Trademark Office has transmitted an Issue Notification indicating that the applied-for patent will issue as U.S. Design Patent No. D776409 on January 17, 2017. The Issue Notification is attached. Aquazzura expects to have the patent in hand on that day. Accordingly, based on the issue date set by the United States Patent & Trademark Office, Aquazzura respectfully requests leave from the Court to amend the Complaint to add a design patent claim by no later than January 18, 2017.

Though it is not required by Your Honor's December 5 Order that we consult with opposing counsel to ask whether he consents to this requested extension, we, nevertheless did. As we understand it, opposing counsel has conditioned his consent on our agreeing to expedited discovery on the patent claim, which he characterized as having fifteen days to answer written discovery on the issue. Given that discovery does not close until May 26<sup>th</sup>, and given that Defendant just asked for and received an extension of time to respond to Plaintiff's written discovery, this seems unnecessary to us, especially not having seen how much written discovery Defendant intends to serve on this issue. Therefore, as we understand it, this request is made without Defendant's consent.

We, of course, will be guided by the Court should it believe that expedited discovery is necessary in light of our client's planned amendment.

Respectfully submitted,

  
John P. Margiotta

cc: All Counsel via ECF

*Ordered*  
*what is defendant's*  
*articulation of their*  
*position? Inform the*  
*court by letter on ECF*  
*not later than 1/12/17.*  
*WPS 1/10/17*